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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,931	09/16/2003	John Higgins	03-029-JH	2331

7590 07/10/2006

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Boston, MA 02109

EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,931

Applicant(s)

HIGGINS, JOHN

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- (c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

2. The specification is objected to under 37 CFR 1.71, as the specification, as originally filed, does not provide support for the new matter as now claimed. The specification as filed does not provide support for “said cavity further comprises a cavity length, wherein said cavity length spans substantially from said left side to said right side of said base portion” and “a first cavity end” and “a second cavity end” as in claims 18 and 25, “a releasably sealable lid” as in claims 18-19 and 25-26, “a hollow tube shape” as in claims 23-24 and 30-31 and “said hollow tube shape includes a circumference adapted to hold a plurality of oral medical tablets” as in claims 23 and 30 because the specification, as originally filed, does not provide support for the new matter as indicate above.

3. Claims 18-31 are finally rejected under 35 USC 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Bartell et al. (4,889,236; hereinafter Bartell'236) in view of Braverman et al. (4,416,375; hereinafter Braverman'375) or Eaton (4,946,038). To the extent that the Examiner can determine the scope of the claims, Bartell'236 discloses a credit-card-sized blister-pack medication package/wallet pill card (10) comprising a base portion (200) having dimensions substantially similar to a credit card and having a top, bottom, left side, right side, front and back, a cavity (30) located on and extended outwardly from the top of the base portion (Figure 2). The cavity comprises a cavity length and the cavity length spans substantially from the left side to the right side of the base portion (Figure 1). Bartell'236 further discloses the cavity comprises a first cavity end and a second cavity end and a cavity seal (400) comprises a sealable lid for sealing the ends. Bartell'236 also discloses the other claimed limitations except for the sealable lid being a releasably sealable lid.

Braverman'375 shows a multi-compartment base member (24) and a cover (22) is releasably sealable to the base member for closing compartments. Eaton a medicine container (12) and a

cover (40) releasably sealable to the container. It would have been obvious to one having ordinary skill in the art in view of Braverman'375 or Eaton to modify the package of Bartell'236 so the sealable lid comprises a releasably sealable lid to facilitate opening the package to dispense the medicines.

6. Claims 21-24 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 20 above, and further in view of Wick (5,014,851). To the extent that Bartell'236 fails to show cavity comprises a hollow tube shape being adapted to hold a plurality of medical tablets. Wick teaches a sealed cavity (23) for holding a plurality of medical tablets (13) including a tube of medicament (Figure 4). It would have been obvious to one having ordinary skill in the art in view of Wick to modify the cavity of Bartell'236 so the cavity comprises a hollow tube shape adapted to hold a plurality of medical tablets or a tube of medicament to allow the package for holding various types of medicines.

7. Claims 25-31 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 18 above, and further in view of Mattis et al. (2002/0066690; hereinafter Mattis'690). Bartell'236 also discloses the package may be conveniently carried in a purse or billfold or pocket. However, Bartell'236 fails to show a wallet having card slots with a top card slot being adapted to hold the package/card. Mattis'690 teaches a thin, credit card sized reusable pill case (10) adapted to be carried in a wallet or billfold. It would have been obvious to one having ordinary skill in the art in view of Mattis'690 to modify the package of Bartell'236 as modified so it includes a wallet for holding the package to provide more convenience for the

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user. It is so old and conventional to provide a wall with a top card slot for holding a card and since the package of Bartell'236 as modified comprises a sized of the credit card so it would have been obvious to one having ordinary skill in the art in view of Bartell'236 as modified to place the package in the top card slot because the selection of the specific location for holding the package would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

Response to Arguments

Applicant's arguments with respect to 5/22/2006 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

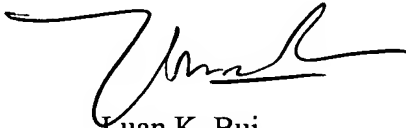
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
July 5, 2006


Luan K. Bui
Primary Examiner
Art Unit 3728